

## REMARKS

Applicant has carefully studied the outstanding Official Action mailed on July 2, 2007. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

The declaration stands objected. A corrected declaration is submitted herewith.

The drawings stand objected. Formal drawings are submitted herewith. No new matter has been introduced.

Claims 1-8 and 10-15 stand rejected under 35 USC §102(b) as being anticipated by Orejola (US 5695515).

Claim 9 stands rejected under 35 USC §103(a) as being unpatentable over Orejola.

Applicant respectfully traverses these rejections. Examiner states that Orejola has “deformable distal end portion comprising relatively wide, mutually contiguous support surfaces outlined by relatively narrow cutouts, said support surfaces being contiguous with the rest of the unitary body via relatively narrow deformable splines.” Applicant respectfully wishes to point out that Orejola has blades 14 that are not contiguous with each other, but rather are discrete separate structures. Secondly, Orejola does not have deformable splines. The blades are expanded by pivoting members which are not deformed in any way. The dictionary definition of “deformed” is an alteration or distortion of shape. Orejola does not distort or deform anything. In contrast, in the present invention, in the expanded orientation the deformable splines are distorted in shape as compared to the collapsed orientation.

Even though it is felt that the original language of claim 1 defines over Orejola, nevertheless for the purposes of clarity claim 1 has been amended to clearly recite what is meant by deformed splines, which is structurally different than Orejola as explained above.

Examiner also states that the “distance between the splines of the blade of the upper right blade and lower right blade are set at a different distance apart than the upper right blade and upper left blade”.

Applicant respectfully disagrees. Orejola does not say these distances are different and on the contrary in col. 2, line 64 says the distances are equal (“The tubular exterior surface is formed of four equally spaced longitudinal stationary segments 12 that form part of the body of the dilator 10 separated by four moveable longitudinal blades 14.”)

Accordingly, claims 1-15 are deemed to be allowable.

Applicant hereby permits email correspondence with Applicant’s representative, especially for clarifying points to lead to allowance of the application.

Application No. 10/816,809

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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